

## **REMARKS**

Upon entry of the foregoing Amendment, claims 1, 3-6, 8, 9, 11-14, 16, 17, 19-22, 24, and 25 are pending in the present application. Claims 1, 3-5, 8, 9, 14, 17, and 22 are amended. No claims are added, or cancelled. In view of the foregoing Amendment and following Remarks, allowance of all the pending claims is requested.

### ***Rejections Under 35 U.S.C. § 102 Based on Faulkner***

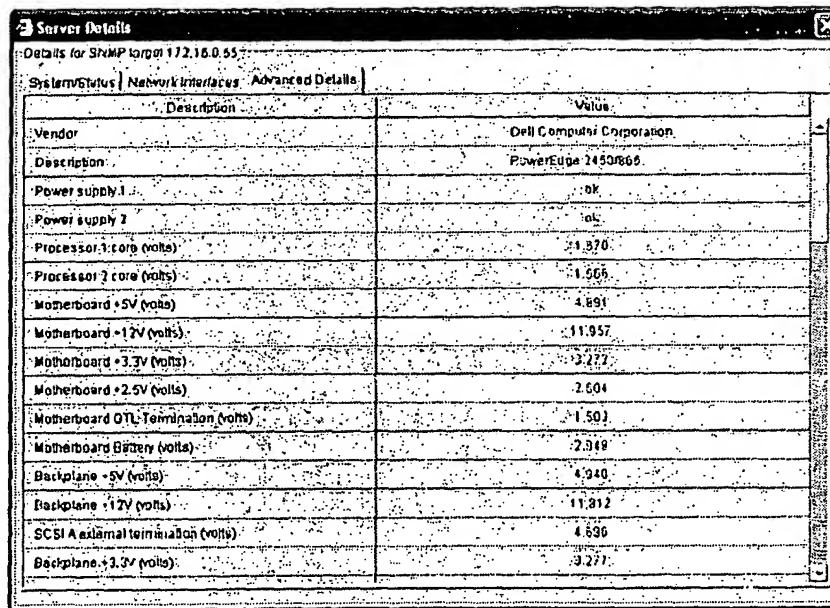
The Examiner has rejected claims 1, 3, 5, 6, 8, 9, 11, 13, 14, 16, 17, 19, 21, 22, 24, and 25 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2003/0208480 to Faulkner *et al.* (hereinafter "Faulkner"). Applicants traverse this rejection for at least the reason that Faulkner does not disclose all of the features of the claimed invention.

### ***CLAIMS 1, 6, 14, AND 22***

For example, claim 1 has been amended to further recite some of the features of claims 8 (which previously depended from claim 1). More particularly, claim 1 has been amended to recite, among other things, the feature of **dynamically presenting the real-time information through a display, the display including a first and a second window, the first window including a hierarchical tree structure of user-selectable hardware characteristics, the second window including a tabular display of information associated with a hardware characteristic selected by a user in the hierarchical tree structure of the first window.** Faulkner does not disclose at least these features of claim 1.

The Examiner alleges that Faulkner discloses these in FIG. 6, which is reproduced below. See, *e.g.*, the 7/5/2006 Office Action, pg. 9. FIG. 6 appears to illustrate a display that shows SNMP data obtained from a network device. However, the display illustrated in FIG. 6 does not is not analogous to the recited display for a variety of reasons. For instance, as can be seen in the reproduction of FIG. 6 below, the display of Faulkner includes a single window entitled "Server Details." Thus, FIG. 6

does not disclose a display “including a first and a second window,” as is recited in claim 1. Further, the display shown in FIG. 6 does not include information displayed in a hierarchical manner. Accordingly, FIG. 6 does not disclose a “first window including a hierarchical tree structure of user-selectable hardware characteristics,” as is recited in claim 1. Still further, the display of FIG. 6 does not include a tabular display of information. Therefore, the cited portion of Faulkner does not disclose a “second window including a tabular display of information associated with a hardware characteristic selected by a user in the hierarchical tree structure of the first window.” For at least one or more of these reasons, the rejection of claim 1 based on the cited sections of Faulkner is improper and must be withdrawn.



The screenshot shows a window titled 'Server Details' with a subtitle 'Details for SNMP target 172.16.0.55'. It has three tabs: 'System Status', 'Network Interfaces', and 'Advanced Details'. The 'Advanced Details' tab is active, displaying a table with two columns: 'Description' and 'Value'.

Description	Value
Vendor	Dell Computer Corporation
Description	PowerEdge 2450R60
Power supply 1	ok
Power supply 2	ok
Processor 1 core (volts)	1.570
Processor 2 core (volts)	1.565
Motherboard +5V (volts)	4.891
Motherboard +12V (volts)	11.957
Motherboard +3.3V (volts)	3.277
Motherboard +2.5V (volts)	2.604
Motherboard QTL Termination (volts)	1.501
Motherboard Battery (volts)	2.949
Backplane +5V (volts)	4.940
Backplane +12V (volts)	11.812
SCSI A external termination (volts)	4.836
Backplane +3.3V (volts)	3.277

FIG. 6

Further, claims 6, 14, and 22 now depend from claim 1. Accordingly, the rejection of claims 6, 14, and 22 based on cited portions of Faulkner is improper, based on the dependency of these claims as well as for the features that they recite individually.

*CLAIMS 3, 5, 8, 9, 11, 13, 16, 17, 19, 21, 24, and 25*

As another example, independent claim 25 includes the feature of **polling the first network device based on a polling configuration file, the polling configuration file including an associated polling interval for each hardware characteristic retrieved**. Independent claims 9 and 17 have been amended to recite similar features. The Examiner has responded to Applicants' arguments that previously cited sections of Faulkner do not disclose these features by citing, without comment, paragraph [0108] of Faulkner, which reads as follows:

Periodically or on-demand, the network monitoring system may query the device, as shown in step 510. The device may provide response data to the network monitoring system. The network monitoring system may interpret these results and provide the response data or interpreted response data to a user or user interface, as shown in step 512. The network monitoring system may convert units and numerical types, replace integers with corresponding entries in an enumerated list, replace descriptive names, and perform other functions in accordance with the device definition file to provide the interpreted response data to the user. See, e.g., the 7/5/2006 Office Action, pg. 6 (emphasis provided by the Examiner).

At best, this passage, in particular the highlighted portions, discloses providing periodic or on-demand queries of a network device by a network monitoring system that provides the results to the user. However, a reference to periodic queries does not clearly disclose periodically polling a network device with a separate **"polling interval for each hardware characteristic retrieved."** Instead, the cited passage of Faulkner appears to disclose the opposite, namely, that any and all characteristics that are queried are queried with the same periodicity. Accordingly, the passage relied on by the Examiner does not disclose **"polling the first network device based on a polling configuration file, the polling configuration file including an associated polling interval for each hardware characteristic retrieved."** For at least this reason, the rejection of claims 9, 17, and 25 is improper and must be withdrawn.

Further, claims 3, 5, 8, 11, 13, 16, 19, 21, and 24 now depend from a corresponding one of claims 9, 17, and 25. Accordingly, the rejection of claims 3, 5, 8, 11, 13, 16, 19, 21, and 24 based on cited portions of Faulkner is improper, based on the dependency of these claims as well as for the features that they recite individually.

***Rejections Under 35 U.S.C. § 103 Based on Faulkner and Fung***

The Examiner has rejected claims 4, 12, and 20 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Faulkner in view of U.S. Patent Application Publication No. 2003/0200473 to Fung (hereinafter "Fung"). Applicants traverse these rejections at least on the grounds that (1) the cited references do not teach or suggest all of the features of the claimed invention, and/or (2) there is no legally proper motivation for combining the cited references.

For example, the portions of Fung relied upon by the Examiner fail to address the deficiencies of Faulkner as set forth above. Therefore, for at least the reasons previously provided, the rejection of these claims is improper and must be withdrawn.

Further, the combination of Fung and Faulkner constitutes legal error because there is no proper motivation for combining the references. The Examiner provides the following motivation for the combination:

It would have been obvious because Faulkner gives the DDF build up technology for each of the desired devices on the network to be monitored while Fung just shows what to monitor with suggesting that these parameters can also be retrieved through the industry's standard SNMP MIB. The 1/18/2006 Office Action at page 9.

This motivation is improper because it includes synopses of some allegedly relevant features of Faulkner and Fung without ever providing a specific teaching of the desirability of the proposed combination. See *In re Sang Su Lee*, 277 F.3d 1338, 61 U.S.P.Q.2d 1430 (Fed.Cir. 2002). As a result, the motivational statement included in the 1/18/2006 Office Action amounts to impermissible "hindsight." See *id.* For at least this reason the rejection of claims 4, 12, and 20 is improper and must be withdrawn.


## CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,



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